

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ORLANDO LOPEZ, 08B0433,

Plaintiff,

-v-

ELMIRA CORRECTIONAL FACILITY,
Superintendent M. BRATT and
O.M.H. DR. GOODMAN,

Defendants.

DECISION AND ORDER
10-CV-6413Fe



Plaintiff, who is incarcerated in the Wende Correctional Facility, was directed by Order dated July 30, 2010 to amend his complaint (Docket # 3). Plaintiff's amended complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

Elmira Correctional Facility and Superintendent Bratt must be dismissed. As the Court explained in its prior Order, Elmira Correctional Facility, which is part of the New York State Department of Corrections, is not a "person" under 42 U.S.C. § 1983 and is immune from suit for monetary damages. In addition, plaintiff names no one from the Department of Corrections or Elmira Correctional Facility, including Superintendent Bratt, for whom he has alleged facts that show personal involvement in the actions or omissions of which he complains. Elmira Correctional Facility and Superintendent Bratt are dismissed

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon Dr. Goodman without

plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the remaining defendant is directed to answer the complaint.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED: August 30, 2010
Rochester, New York